Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD J. CARTER and LUDMILA CHERKASOVA

Appeal No. 2003-1488
Application No. 09/272,810[1]

ON BRIEF

Before FLEMING, LEVY and SAADAT, Administrative Patent Judges.
SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the Examiner's final rejection of claims 1-21, which are all of the claims pending in this application.

We affirm.

BACKGROUND

Appellants' invention relates to a method of processing client requests by a network server. If the timed-out requests, which are those requests canceled by the user, are not removed

[1] Application for Patent filed March 19, 1999.

from the server queue, the web server can become overloaded and expend its resources on useless work instead of valid requests (specification, page 2). Appellants' invention provides for efficient use of web servers by preventing the processing of the timed-out requests.

Representative independent claim 1 is reproduced below:

1. In a server, a method of handling a network connection, the network connection including a client-to-server channel and a server-to-client channel, the method comprising:

examining local server information to determine whether the client-to-server channel is still established; and

aborting response preparation to a client request if the client-to-server channel is determined to be no longer established.

The Examiner relies on the following reference in rejection the claims:

Huras et al. (Huras)	6,125,401	Sep. 26, 2000 (filed Mar. 28, 1996)

Claims 1-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Huras.

We refer to the answer (Paper No. 14, mailed January 23, 2003) for the Examiner's complete reasoning in support of the rejections, and to the brief (Paper No. 13, filed November 20, 2002) for Appellants' arguments thereagainst.

OPINION

At the outset, we note that Appellants indicate their intention that claims 1-21 stand or fall together (brief, page 3). Therefore, in accordance with Appellants' grouping of claims and arguments provided, we will consider Appellants' claims as standing or falling together as one group to decide the appeal on the rejection under 35 U.S.C. § 103 set forth above and will limit our analysis to claim 1 as the representative claim of the group.

The focus of Appellants' arguments is that the processor of Huras continues to prepare a response while the server process in on the queue (brief, page 3). Appellants point to Figures 2A and 2B of Huras and argue that once the "valid request" flag is set and a send semaphore is set, the operating system puts the process on a queue of processes that are ready to run (id.). Appellants further rely on the passages at col. 7, line 57 to col. 8, line 67 of Huras and argue that the response preparation is not aborted even if the client process terminates before the server started the response preparation (brief, page 5).

In response to Appellants' arguments, the Examiner asserts that the service provider computer does test the condition of the flag and does terminate the use of resources if the flag is not

set (answer, page 5). The Examiner also relies on col. 7, line 57 to col. 8, line 67 and argues that the server process terminates the resources allocated to client process if the processor determines that the client process has been terminated because of any reason (id.).

A rejection for anticipation under section 102 requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. See Atlas Powder Co. v. Ireco Inc., 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999); In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994). The inquiry as to whether a reference anticipates a claim must focus on what subject matter is encompassed by the claim and what subject matter is described by the reference. As set forth by the court in Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), it is only necessary for the claims to "'read on' something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or 'fully met' by it." Furthermore, anticipation requires a finding that the claim at issue "reads on" a prior art reference. See also Atlas Powder

Co. v. IRECO Inc., 190 F.3d at 1346, 51 USPQ2d at 1945 (Fed. Cir. 1999) (quoting Titanium Metals Corp. v. Banner, 778 F.2d 775, 781, 227 USPQ 773, 778 (Fed. Cir. 1985)).

After reviewing Huras, we remain unpersuaded by Appellants' argument that the passages at col. 7, line 57 to col. 8, line 67 do not show that the response preparation is aborted if the client process terminates (brief, page 5). In fact, Huras does teach that the server initially determines whether the send semaphore 256 was posted by the operating system, indicating the termination of client process (col. 5, lines 45-62). We note that, as depicted in Figures 1 and 2B, step 50 reflects testing valid request flag 252 to determine whether the flag has been set as a valid request by client process 150. In fact, test 50 determines whether semaphore 256 is posted by client process 150 (col. 7, lines 65-68) or by the operating system, indicating the termination of client process 50 (col. 8, lines 1 & 2). If the client process is terminated, server process 350 with execute the terminate server routine, shown in step 80, to free up system resources (col. 8, lines 5-9).

Although, after checking flag 252 and finding a valid request, the server proceeds with reading the request data from the shared memory segment and preparing the response, the

validity of the request is again checked (col. 8, lines 22-41). In other words, if the response preparation, as noted by Appellants (brief, page 5), is not aborted, it is because the initial test determined absence of the client termination which may change upon further checking of the validity of the request after the response is prepared. Therefore, contrary to Appellants' selective analysis of Huras, we find that the sections of the disclosure relied on by the Examiner and fully considered by Appellants read on the claimed subject matter and present sufficient evidentiary support to establish a prima facie case of anticipation. Accordingly, we affirm the 35 U.S.C. § 102 rejection of claim 1, as well as claims 2-21 which are grouped with claim 1 as standing or falling therewith, over Huras.

CONCLUSION

In view of the foregoing, the decision of the Examiner rejecting claims 1-21 under 35 U.S.C. § 102 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

MICHAEL R. FLEMING)
Administrative Patent Judge)
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STUART S. LEVY) BOARD OF PATENT
Administrative Patent Judge) APPEALS
) AND
) INTERFERENCES
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MAHSHID D. SAADAT)
Administrative Patent Judge)

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Hewlett Packard Company IPA
3404 E. Harmony Road
P.O. Box 272400
Fort Collins, CO 80528-9599